

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA,

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§
§

v.

TIMOTHY JOSEPH LEIWEKE,

Criminal No. 1:25-CR-00344 ADA

JOINT PROPOSED SCHEDULING ORDER

In Doc. 47 the court ordered the parties to submit a joint proposed pretrial schedule.

The parties have agreed on many but not all items and now file this proposed order, with their disagreements in **bold** type.

Respectfully submitted,

/s/ Ryan D. Budhu
RYAN D. BUDHU
NY State Bar #: 5285317
Trial Attorney Antitrust Division
U.S. Department of Justice
201 Varick Street, Room 1006
New York, NY 10014
Phone: (212) 824-1289
Ryan.budhu@usdoj.gov
ATTORNEY FOR UNITED STATES

/s/ David Gerger
David Gerger
Texas Bar No. 07816360
dgerger@ghmfir.com
GERGER HENNESSY
700 Louisiana, Suite 2300
Houston, Texas 77002
713.224.4400 – Telephone
713.224.5153 – Fax
ATTORNEY FOR MR. LEIWEKE

Discovery and Notices

1. To the extent not already provided, the Government shall provide discovery materials required by Fed. R. Crim. P. 16(a)(1), other than expert disclosures, no later than November 15, 2025.

2. To the extent not already provided, the Government shall provide any exculpatory evidence, within the meaning of *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, on or before November 15, 2025. Any exculpatory evidence that becomes known to the Government after that date shall be disclosed reasonably promptly after becoming known to the Government.

3. Defendant shall provide all discovery required by Fed. R. Crim. P. 16(b)(1), other than expert disclosures and any returns from subpoenas issued pursuant to Fed. R. Crim. P. 17(c), on or before March 16, 2026. Defendant may issue subpoenas for pretrial return under Fed. R. Crim. P. 17(c) and shall produce to the Government the returns from subpoenas issued pursuant to Fed. R. Crim. P. 17(c) within two weeks of the respective return(s).

4. Defendant shall provide any and all notices required by Fed. Rs. Crim. P. 12.1, 12.2, and 12.3 on or before November 15, 2025.

5. Defendant shall provide notice to the Government whether he is seeking expert disclosures on or before January 6, 2026. If Defendant is seeking expert disclosures, the following shall be the schedule for disclosing potential expert witness testimony:

a. The Government shall provide, in writing, notice including the information required by Fed. R. Crim. P. 16 (a)(1)(G)(iii) for any testimony that it intends to use at trial under Fed. Rs. of Evid. 702, 703, or 705 during its case-in-chief, by February 6, 2026.

- b. Defendant shall provide, in writing, notice including the information required by Fed. R. Crim. P. 16 (b)(1)(C) for any testimony that Defendant intends to use under Federal Rule of Evidence 702, 703, or 705 during Defendant's case-in-chief at trial by March 13, 2026.
- c. The Government shall provide, in writing, notice including the information required by Fed. R. Crim. P. 16 (a)(1)(G)(iii) of any rebuttal witness to counter testimony that Defendant has timely disclosed under Fed. R. Crim. P. 16 (b)(1)(C) by March 27, 2026.

Pretrial Motions

- 6. The following shall be the schedule for pretrial motions, other than motions *in limine*, in this matter:
 - a. The parties shall file any and all pretrial motions, including motions pursuant to Fed. Rs. Crim. P. 12(b) and 41(h), on or before **[Government's Position: November 28, 2025; Defense's Position: Motion for Bill of Particulars to be filed on or before November 28, 2025 and all other motions to be filed on or before February 9, 2026].**
 - b. The parties shall file any response to any such pretrial motion on or before **[Government's Position: December 19, 2025; Defendant's Position: Response to Motion for Bill of Particulars to be filed on or before December 19, 2025. All other motion responses to be filed on or before March 2, 2026].**

c. The parties shall file any reply on or before **[Government position: January 6, 2026; Defendant's Position: Reply to Motion for Bill of Particulars to be filed on or before January 6, 2025. All other replies to be filed on or before March 16, 2026. If either party files pretrial motions before the due date, the other party shall have 3 weeks to respond, and the movant shall file a reply 2 weeks after the filing of the response].**

Trial

7. The parties shall file any *in limine* motions on or before April 3, 2026, responses to such motions may be filed on or before April 17, 2026; replies, if any, may be filed on or before April 24, 2026. The parties may seek leave to file additional motions *in limine* subsequent to this date.

8. The Government shall provide its pre-marked exhibits on or before April 13, 2026.

- a. The authenticity and chain of custody and admissibility under Fed. R. Evid. 802 of the Government's pre-marked exhibits shall be deemed to have been accepted unless an objection is asserted in accordance with paragraph 8(b).
- b. If Defendant wishes to contest the authenticity or chain of custody of an exhibit or assert that an exhibit is inadmissible under Fed. R. Evid. 802, Defendant shall file on or before April 27, 2026, a notice that the authenticity or chain of custody will be contested at trial, together with a statement delineating why the exhibit is being challenged.

9. Defendant shall provide its pre-marked exhibits on or before April 20, 2026;
 - a. The authenticity and chain of custody and admissibility of Defendant's pre-marked exhibits shall be deemed to have been accepted unless an objection is asserted in accordance with paragraph 9(b).
 - b. If the Government wishes to contest the authenticity or chain of custody of an exhibit or assert that an exhibit is inadmissible under Fed. R. Evid. 802, counsel for the Government shall file, on or before April 27, 2026, a notice that the authenticity or chain of custody of the exhibit will be contested at trial together with a statement delineating why the exhibit is being challenged.

10. The Government shall provide all material to be disclosed under *Giglio v. United States*, 405 U.S. 150 (1972), and its progeny, no later than **[Government's Position: April 3, 2026; Defendant's Position: when known for known witnesses but not later than March 3, 2026]**, and shall provide any material to be provided under the Jencks Act, 18 U.S.C. § 3500, on or before April 3, 2026.

11. Defendant shall produce all "reverse Jencks" under Fed. R. Crim. P. 26.2 no later than April 23, 2026.

12. If the Government intends to offer any Rule 404(b) evidence, the Government shall provide notice of this evidence in the form delineated in Federal Rule of Evidence 404(b)(3) on or before **[Government's Position: March 3, 2026; Defendant's Position: January 3, 2026]**.

13. The parties shall file any *voir dire* requests on or before April 20, 2026.

14. The parties shall file any and all requests to charge, including those addressed to preliminary instructions to the jury and the elements of the offenses at issue, on or before April 20, 2026.

15. The government will file or deliver its witness list by April 22, and the defense will file or deliver its witness list by April 27.

16. The government shall disclose demonstratives (or illustrative aids pursuant to Rule 107) or other summary exhibits (pursuant to Rule 1006) on or before April 22, 2026; the defense shall do so on or before April 27.

17. The parties shall file any trial memoranda on or before April 17, 2026.

18. The Court will hold a final pretrial conference on April 27, 2026.

SIGNED this _____ day of _____, 20__.

Hon. Alan D Albright
United States District Judge